

REMARKS

By this Amendment, Applicants have added new claims 16-20, taking care not to add any new matter. Applicants have also amended claims 3, 12, and 14 to correct typographical or clerical errors. Claim 1 was previously cancelled. In the Office Action, the Examiner rejected claims 2-8, 12, and 13 under 35 U.S.C. § 103(a) as being obvious over *LeMole et al.*, U.S. Patent No. 6,009,410 in view of *Eldering*, U.S. Patent No. 6,560,578. The Examiner also rejected claims 9, 10, 14, and 15 under 35 U.S.C. 103(a) as being obvious over *LeMole et al.* and *Eldering* further in view of *Landsman et al.*, U.S. Patent No. 6,317,761. Finally, the Examiner rejected claim 11 as being obvious over *LeMole et al.* and *Eldering* further in view of *d'Eon et al.*, U.S. Patent No. 6,006,197.

To establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), each of three requirements must be met. First the reference or references, taken alone or combined, must teach or suggest each and every element recited in the claims. M.P.E.P. § 2143.03 (8th ed. 2001, Revised February 2003). Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the claimed invention. Id. at § 2143.01. Third, a reasonable expectation of success must exist that the proposed modification will work for the intended purpose. Id. at § 2143.02. Moreover, each of these requirements must "be found in the prior art, and not be based on applicant's disclosure." Id. at § 2143.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

The cited references do not teach or suggest every element recited in the claims, so the rejections under section 103 are improper and should be withdrawn. For example, the method of claim 2 comprises, among other things, creating an ad-attribute profile for advertisements, said ad-attribute profile comprising a measure of uncertainty regarding a recipient's interest in each of the advertisements, wherein said measure of uncertainty inversely affects said ad-attribute profile. None of the cited references teaches or suggests a method including such a step.

LeMole et al. discloses a system that creates a customized webpage based on a customer's areas of interest or websites that the customer has previously visited. (*LeMole et al.*, col. 2, ll. 18-46.) Advertisements for the webpage are stored in a database and retrieved using key words or website addresses. (*LeMole et al.*, col. 5, l. 50 - col. 6, l. 8.) Nothing in the reference teaches or suggests an ad-attribute profile comprising a measure of uncertainty regarding a recipient's interest in an advertisement, wherein the measure of uncertainty inversely affects the ad-attribute profile, as required by claim 2.

Eldering does not cure this defect. *Eldering* discloses a system that matches consumer vectors and ad vectors to target marketing. The ad vectors of *Eldering* include target demographic information, such as income or age, and product preferences, such as brands. (*Eldering*, col. 8, l. 32 - col. 9, l. 11.) Nothing in the reference teaches or suggests an ad-attribute profile comprising a measure of uncertainty regarding a recipient's interest in an advertisement, wherein the measure of uncertainty inversely affects the ad-attribute profile, as required by claim 2.

Because *LeMole et al.* and *Eldering*, taken alone or in combination, fail to teach or suggest every element of claim 2, the claim cannot be obvious over the cited references. Therefore, Applicants request the reconsideration and withdrawal of the section 103 rejection of claim 2.

Claims 3-8, 12, and 13 depend directly or indirectly from claim 2. As a result, at least by virtue of their dependence from a nonobvious claim, claims 3-8, 12, and 13 are nonobvious. Applicants therefore respectfully request the reconsideration and withdrawal of the rejections of claims 3-8, 12, and 13.

Claims 9, 10, 14, and 15 were rejected as obvious over *LeMole et al.* and *Eldering* further in view of *Landsman et al.* By virtue of their direct or indirect dependence from claim 2, claims 9, 10, 14, and 15 recite creating an ad-attribute profile for advertisements, said ad-attribute profile comprising a measure of uncertainty regarding a recipient's interest in each of said advertisements, wherein said measure of uncertainty inversely affects said ad-attribute profile. As discussed above, neither *LeMole et al.* nor *Eldering* teaches or suggests a method with such a step. Furthermore, *Landsman et al.* fails to cure this defect.

Landsman et al. discloses downloading advertisements based on an ad descriptor file that includes data about an advertisement, such as the names of media files used by the advertisement, the order in which those media files are to be played, and configuration parameters for properly playing the advertisement. (*Landsman et al.*, col. 21, ll. 29-46.) The reference fails to teach or suggest an ad-attribute profile comprising a measure of uncertainty regarding a recipient's interest in advertisements,

wherein said measure of uncertainty inversely affects said ad-attribute profile. Because *LeMole et al.*, *Eldering*, and *Landsman et al.*, taken together or separately, fail to teach or suggest every element of claims 9, 10, 14, and 15, the claims are not obvious over the cited references. Therefore, Applicants request the reconsideration and withdrawal of the rejections of claims 9, 10, 14, and 15.

Finally, the Examiner rejected claim 11 as being obvious over *LeMole et al.* and *Eldering* further in view of *d'Eon et al.*, U.S. Patent No. 6,006,197. By virtue of its dependence from claim 2, claim 11 recites creating an ad-attribute profile for advertisements, said ad-attribute profile comprising a measure of uncertainty regarding a recipient's interest in each of said advertisements, wherein said measure of uncertainty inversely affects said ad-attribute profile. As discussed above, neither *LeMole et al.* nor *Eldering* teaches or suggests a method with such a step. Furthermore, *d'Eon et al.* fails to cure this defect.

d'Eon et al. discloses a method of calculating the value of an advertisement after it has been presented to a user. The reference teaches collecting data related to the advertisement, such as the number of times a user viewed an ad and the user's subsequent transactions. (*d'Eon et al.*, col. 6, ll. 20-55.) However, this is not the same as creating an ad-attribute profile for advertisements, the ad-attribute profile comprising a measure of uncertainty regarding a recipient's interest in each of the advertisements, wherein the measure of uncertainty inversely affects the ad-attribute profile, as required by claim 11.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

Because *LeMole et al.*, *Eldering*, and *d'Eon et al.*, taken together or separately, fail to teach or suggest every element of claim 11, the claim is not obvious over the cited references. Therefore, Applicants request the reconsideration and withdrawal of the rejection of claim 11.

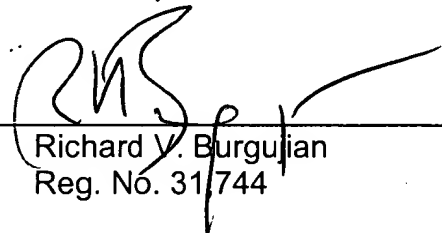
In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By: 
Richard V. Burgulian
Reg. No. 31/744

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com